

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

**PORT HAMILTON REFINING AND
TRANSPORTATION, LLLP,**

**Plaintiff/Counter
Defendant,**

v.

LIMETREE BAY TERMINALS, LLC,

**Defendant/Counter
Claimant.**

Civil Action No. 2024-0004

Attorneys:

Andrew C Simpson, Esq.

St. Croix, U.S.V.I.

For Plaintiff

Mark W. Eckard, Esq.

Wilmington, DE

For Defendant

ORDER

THIS MATTER comes before the Court on Defendant/Counter Claimant Limetree Bay Terminals, LLC's ("Ocean Point") Motion to Transfer (Dkt. No. 2), Plaintiff/Counter Defendant Port Hamilton Refining and Transportation, LLLP's ("Port Hamilton") Opposition thereto (Dkt. No. 10), and Ocean Point's Reply (Dkt. No. 12). Also before the Court is Ocean Point's Motion for Reconsideration (Dkt. No. 22) and Memorandum in support thereof (Dkt. No. 23), as well as Port Hamilton's Motion to Remand (Dkt. No. 8) and Port Hamilton's Motion to Dismiss (Dkt. No. 16). For the reasons stated in the accompanying Memorandum Opinion, filed contemporaneously herewith, it is hereby

ORDERED that Ocean Point's Motion to Transfer (Dkt. No. 2) is **GRANTED IN PART AND DENIED IN PART**; and it is further

ORDERED that Ocean Point's Motion to Transfer (Dkt. No. 2) is **GRANTED** to the extent that the Court will transfer this matter to the United States District Court for the Southern District of Texas; and it is further

ORDERED that Ocean Point's Motion to Transfer (Dkt. No. 2) is **DENIED** to the extent that it seeks a transfer to the United States Bankruptcy Court for the Southern District of Texas; and it is further

ORDERED that Ocean Point's Motion for Reconsideration (Dkt. No. 22) is **GRANTED IN PART AND DENIED IN PART**; and it is further

ORDERED that Ocean Point's Motion for Reconsideration (Dkt. No. 22) is **GRANTED** to the extent that the Court will reconsider and vacate its Order dated July 18, 2024 (Dkt. No. 21) referring the pending Motions in this case for a Report & Recommendation; and it is further

ORDERED that Ocean Point's Motion for Reconsideration (Dkt. No. 22) is **DENIED** to the extent that Ocean Point requests that the Court refer the matter to the District Court of the Virgin Islands Bankruptcy Division; and it is further

ORDERED that the Clerk of Court is directed to transfer this case to the United States District Court for the Southern District of Texas pursuant to 28 U.S.C. § 1412; and it is further

ORDERED that, in light of the case transfer, Port Hamilton's Motion to Remand (Dkt. No. 8) is **DENIED AS MOOT** to the extent that it relates to this Court's adjudication of the issues raised; and it is further

ORDERED that, in light of the case transfer, Port Hamilton's Motion to Dismiss (Dkt. No. 16) is **DENIED AS MOOT** to the extent that it relates to this Court's adjudication of the issues raised; and it is further

ORDERED that following the case transfer, the Clerk of Court is directed to mark this case **CLOSED**.

SO ORDERED.

Date: September 30, 2024

_____/s/_____
WILMA A. LEWIS
District Judge